



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 2, 2025

Jim Kozey
Managing Director Hazardous Materials
Canadian Pacific Kansas City
7550 Ogden Dale Road SE
Calgary, AB T2C 4X9

Dear Mr. Kozey:

This letter responds to your January 16, 2025 letter regarding the Association of American Railroads (AAR) petition for rulemaking (P-1795)¹. The AAR petition for rulemaking requested an additional year for Class I railroads to comply with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) codified in the HM-263 final rule.² Specifically, the AAR petition requested that the Pipeline and Hazardous Materials Safety Administration (PHMSA) extends the compliance date for the final rule for Class I railroads from June 24, 2025 to June 24, 2026, or—alternatively—issue a letter of temporary enforcement discretion for Class I railroads extending the compliance date until June 24, 2026. In your letter, Canadian Pacific Kansas City (CPKC) is requesting an additional six months in addition to the one-year extension requested by the AAR. Your letter cites the time and resources necessary in order to meet the June 24, 2025 deadline to comply with the HM-263 final rule.

In response to the AAR petition and after consulting with the Federal Railroad Administration (FRA), PHMSA has made available a temporary enforcement discretion extending the compliance deadline until June 24, 2026, for the requirements adopted in the HM-263 final rule. In the interim, PHMSA strongly encourages the Class I railroads to achieve full compliance with the final rule's requirements earlier, for instance the HM-263 final rule provisions requiring immediate telephonic notification of the primary Public Safety Answering Point (PSAP)—such as the 9-1-1 call center—responsible for the accident or incident area, as soon as practicable and ideally by the original compliance date of June 24, 2025.

At this time, PHMSA believes June 24, 2026, is a sufficient date by which Class I railroads can achieve compliance with the final rule. However, if CPKC continues to assert that it will be unable to meet the revised deadline, it may request a special permit and note its specific progress

¹ PHMSA-2024-0205

² 89 FR 52956 (June 24, 2024).

on the development of information technology (IT) solutions and other specific and tangible progress being made to meet the requirements in the HM-263 final rule.

PHMSA has enclosed a copy of the notice of enforcement discretion to this letter and placed a copy in the petition docket. The AAR petition is now considered closed. All correspondence pertaining to this petition will be transferred to the petition docket (Docket No. PHMSA-2024-0205).

If you have any questions, please contact Mr. Steven Andrews in the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in blue ink that reads "William S. Schoonover". The signature is written in a cursive style with a long horizontal flourish at the end.

William S. Schoonover
Associate Administrator
Office of Hazardous Materials Safety